

Attachment 2: Request for Sole Source Memo Format

**DEPARTMENT OF VETERANS AFFAIRS**

**Justification and Approval**

**For**

**Other Than Full and Open Competition**

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, San Francisco VA Medical Center, San Francisco CA. 2237# 662-13-4-054-4529 and 662-13-4-054-5431
2. **Nature and/or Description of the Action Being Processed:** Brand Name, Only Sole Source and Only One Responsible Source, Sole Source Award, Intuitive Surgical, Inc.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

The San Francisco VA Medical Center intends to negotiate on a Sole Source basis with Intuitive Surgical, Inc., 950 Kifer Road, Sunnyvale, CA 94086, to purchase from them the following salient characteristics of Disposable Robotic Instruments to use with the VA's existing Intuitive Surgical daVinci Surgical Robot: Intuitive Surgical, Inc. Products

(Estimated total price \$40,806):

- The Device will have forceps; endowrist that work with the ,da vinci robot s/si,2.8 cm jaw,56.2 cm total length; must be reusable; 420093
- The Device will have maryland bipolar forceps that work with the,da vinci robot;420172-04
- The Device will have electrocautery, fenestrated forceps,endowrist, that work with the da vinci s/si,2.1 cm jaw,bipolar,55.9 cm total length; must be reusable; 420205
- The Device will have tip cover accessories; 400180-05
- The device will have accessory kit-3 arm; 420290
- The device will have accessory kit-4 arm; 420291

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ( X ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

It is essential to the San Francisco VA Medical Center that it purchases the Intuitive Surgical Inc., disposable surgical instruments for the VA's existing Intuitive Surgical daVinci Robot, since they are needed to be used in conjunction with the daVinci Robot Machine, and no other company makes this type of surgical robotic equipment and/or make robotic equipment that will work with Intuitive Surgical, Inc.'s daVinci Robot.

It is also essential to purchase the above referenced daVinci Robot instrumentation, from Intuitive Surgical, Inc., since they are the manufacturer and sole exclusive seller of these instruments. The equipment's are the property of San Francisco VA Medical Center. Accordingly, Intuitive Surgical Inc. is the only firm capable of providing the supplies and services described in Section III above without the Veteran's Health Administration experiencing substantial duplication of cost that could not be expected to be recovered through competition.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

A combine synopsis will be issued on FBO.gov for this procurement; however there is only one available source. A Notice of Intent to Sole Source, along with this Sole Source Justification Memorandum, will be posted to FBO.gov for 10 days.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

VISTA search indicated that the price quoted by Intuitive Surgical, Inc. is the same price it charges all customers, and the same price as they previously charged the SFVAMC on Purchase Order No.: 662-A20396 (08/31/2012) and therefore considered to be fair and reasonable. (See 23 in Contract File). (FAR 6.303-2(a)(7)).

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted: ( FAR Part 10)**

Market research was conducted to determine if the items were Commercial Items, and since the items have been sold in the Commercial Marketplace by Intuitive Surgical, Inc., they are considered to be Commercial Items. In addition, written confirmation was received from Intuitive Surgical Inc., that they are the manufacturer and sole exclusive seller of the items being purchased, and that they do not sell these instruments off any Federal Supply Schedule Contract. A Contractor Query Search was conducted in the GSA E-Library System, using the word "Intuitive Surgical", "daVinci Surgical Robot", and a Query Search was conducted in the GSA Advantage System, using the words "Intuitive Surgical", "da Vinci Robot", and "daVinci Disposal Kit", and there were no results. Furthermore, a Google Search was conducted using the words daVinci Robot and da Vinci Robot Instruments, and there were no other companies that came up with these key words showing.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

Physicians working for the SFVAMC are well trained in using vaDinci Robot and are in need of obtaining these instruments/supplies to perform surgeries. These instruments/supplies are only manufactured/produced by Intuitive Surgical Inc. (FAR 6.302-1(b)(2) and 6.303-2(a)(9)(i)).

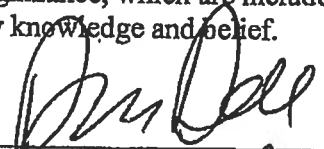
10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

None

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

None

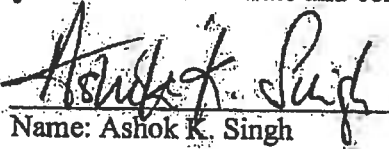
12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

  
Name DAVIN DOLL  
Title AO OR  
Facility: SFVAMC

9/17/13  
Date

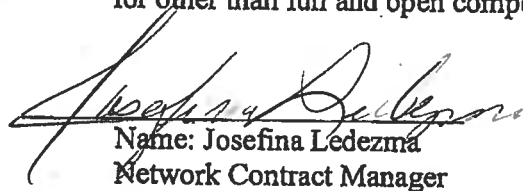
13. Approvals in accordance with FAR 6.304

a. Contracting Officer's Certification (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

  
Name: Ashok K. Singh  
Title: Contracting Officer  
Facility: NCO 21

9/17/2013  
Date

b. NCM/PCM (Required \$3K and above): I certify the justification meets requirements for other than full and open competition.

  
Name: Josefina Ledezma  
Network Contract Manager  
VISN 21 / NCO 21

9-19-13  
Date